FILED

APR - 8 2008

of the State of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
NANGY A. KAISER, State Box No. 102083

Board of Vocational Nursing and Psychiatric Technicians

NANCY A. KAISER, State Bar No. 192083
Deputy Attorney General
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013

EDMUND G. BROWN JR., Attorney General

Telephone: (213) 897-5794 Facsimile: (213) 897-2804

1

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

Attorneys for Complainant

BEFORE THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2007-843

ACCUSATION

OPAL JEAN WILLIAMS

858 W. 76th Street Los Angeles, CA 90044

Angeles, CA 90044

Vocational Nurse License No. VN 183327

Respondent.

Complainant alleges:

PARTIES

- 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
- 21 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
- 22 Nursing and Psychiatric Technicians (Board).
- 23 On or about January 7, 1998, the Board issued Vocational Nurse License
- 24 Number VN 183327 to Opal Jean Williams (Respondent). The Vocational Nurse License was in
- 25 full force and effect at all times relevant to the charges brought herein and will expire on
- 26 November 30, 2009, unless renewed.

27 ///

28 ///

///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2875 of the Business and Professions Code (Code) provides that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.
- 5. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.
 - 6. Section 2878 of the Code states:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

- (a) Unprofessional conduct . . .
- 7. Section 2878.8 of the Code states:

The board may deny any application or may suspend or revoke any license issued under this chapter [the Vocational Nursing Practice Act] based upon the denial of licensure, suspension, restriction, or other disciplinary action of a license by another state, any other government agency, or by another California health care professional licensing board. A certified copy of the finding shall be conclusive evidence of that action provided that, if from another state, the findings establish an act which if committed in California would be grounds for discipline.

COST RECOVERY

8. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

.21

28 | ///

1//

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by another California Health Care Professional Licensing Board)

9. Respondent has subjected her license to disciplinary action under section 2878.8, in that Respondent's registered nursing license was disciplined by the Board of Registered Nursing (RN Board). Specifically, on or about November 22, 2006, pursuant to a Decision and Order made by the RN Board, *In the Matter of Accusation and Petition to Revoke Against Opal Jean Williams, Registered Nurse License No. 570050*, Case No. 99-20, the RN Board adopted a Stipulated Surrender of License and Order, in which Respondent surrendered her registered nurse license no. 570050 to the RN Board, thereby losing all rights and privileges as a Registered Nurse in California as of December 22, 2006, the effective date of the RN Board's Decision and Order. That decision is final and is incorporated by reference as if fully set forth. A copy of that decision is attached as Exhibit A.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

10. Respondent has subjected his license to disciplinary action under section 2878, subdivision (a), on the grounds of unprofessional conduct, in that Respondent's Registered Nurse License was disciplined by the RN Board, as set forth in paragraph 4, above.

DISCIPLINE CONSIDERATIONS

Respondent, Complainant alleges that on or about November 22, 2006, in a prior disciplinary action entitled *In the Matter of Accusation and Petition to Revoke Against Opal Jean Williams, Registered Nurse License No. 570050*, before the RN Board, Case Number 99-20, Respondent's registered nursing license was disciplined under Sections 2570 and 2761, subdivision (a), of the Code, on the grounds of unprofessional conduct, in that she failed to comply with the terms of her probation, as more fully set forth in the First Amended Accusation and Petition to Revoke Probation. (See Exhibit A.)

PRAYER

1 WHEREFORE, Complainant requests that a hearing be held on the matters herein 2 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians (Board) issue a decision: Revoking or suspending Vocational Nurse License Number VN 183327, 1. 5 issued to Opal Jean Williams Opal Jean Williams; 6

Ordering Opal Jean Williams to pay the Board the reasonable costs of the 2. investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

> Taking such other and further action as deemed necessary and proper. 3.

DATED: April 8, 2008

PERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

State of California

Complainant

28

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23